

STATE OF VERMONT

SUPERIOR COURT
RUTLAND UNIT

CIVIL DIVISION

DOCKET NO.: 270-5-17 Rdcv

GARY ALIBOZEK,
Plaintiff,

v.

GENERAL ELECTRIC COMPANY,
Defendant.)
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2:17-cv-111

FILED

MAY 24 2017

VERMONT SUPERIOR COURT
RUTLANDCOMPLAINT

NOW COMES the Plaintiff Gary Alibozek, Pro Se, and complains as follows:

1. Gary Alibozek is a resident of Rutland County, Vermont.
2. Defendant is a corporation registered to do business in Vermont, with a facility in Rutland, Rutland County, Vermont.
3. In October 2014, Mr. Alibozek applied for a promotion to a Level 20 machining position. Mr. Alibozek had an exemplary employment history and performance evaluations. He was ideally suited for the available position.
4. During the course of job interviews and the promotion process, Mr. Alibozek was advised by members of the hiring committee that he was the best qualified applicant for the position. In fact, Mr. Alibozek was the best qualified applicant.
5. Defendant instead gave the position to a younger, less qualified applicant, James Werbinski.
6. After, members of the hiring committee told Mr. Alibozek that the criticisms raised against him by the Defendant were in fact untrue. Mr. Alibozek was deemed the top

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applicant and that the statements made to the contrary by Defendant were a fabrication to support the discriminatory decision to hire a younger worker for the position. The false criticisms included that he was not a leader and was scattered. In fact, Mr. Alibozek was informed the quantitative totals from the hiring committee were supportive of his getting the promotion.

7. Defendant claimed that Webinski received the highest scores of any candidate for the promotion and that he needed less training than Mr. Alibozek. The statements were on information and belief untrue and merely pretext to support the decision to hire Webinski.
8. Mr. Alibozek has suffered financial and emotional harm as a result of the unlawful decision to hire Webinski instead of him.
9. Defendant maintains a practice or policy of following a quantitative hiring process that focuses on the scoring of a committee as the determinative factor in making promotions. That practice or policy applied to the promotion sought by Mr. Alibozek.
10. The practice or policy was violated in connection with the decision to reject Mr. Alibozek's application for promotion.
11. The Defendant's decision constitutes a breach of the employment contract with Mr. Alibozek.
12. The Defendant's decision violates the implied covenant of good faith and fair dealing in every Vermont contract.
13. Mr. Alibozek is a member of a protected class under Vermont's Fair Employment Practices Act by virtue of his age. The decision to pass over Mr. Alibozek for the

promotion was impermissibly based on his age. The Defendant's decision constitutes a violation of public policy.

14. Defendant violated Mr. Alibozek's rights under the Fair Employment Practices Act.

Mr. Alibozek seeks:

1. Attorney's fees and costs;
2. Compensatory and punitive damages; and
3. Prejudgment interest.

Jury Demand

Mr. Alibozek demands trial by jury.

DATED at Rutland, Vermont, this 23 day of May, 2017.

By: 

Gary Alibozek, Pro Se